

Honolulu Star-Bulletin

RILEY H. ALLEN

EDITOR

WEDNESDAY APRIL 23, 1913

Evil, once manfully fronted, ceases to be evil; there is generous battle-hope in place of dead, passive misery; the evil itself has become a kind of good.—T. Carlyle.

ABUSE OF THE STREETS

If the city ordinances are openly flouted by contractors who tear up and otherwise damage the streets, the remedy is ready to the hand of the supervisors and the road overseer.

If the streets are blocked by building material, the remedy is provided for the city authorities to use.

The city does not need more law, but more ambition to enforce the law.

This whole question of the powers and duties of the board of supervisors in relation to the streets, highways and public places of the city and county has been thoroughly canvassed and the board was rendered a comprehensive opinion on March 22 last by the first deputy city and county attorney, Mr. Milverton.

That opinion refers in detail to the various legislative acts and municipal ordinances that have built up the structure of city authority, and declares emphatically that the supervisors have the right to stop promiscuous tearing-up of the public highways or to end other of the abuses alleged to the contractors.

"Whenever the powers of the city and county of Honolulu have been tested in the courts," declares the city's legal adviser, "they have been judicially sustained, and we may assume that until there is a judicial determination to the contrary that all of the powers granted by the charter can be exercised, and exercised in such manner as to be effective."

"The municipality acting under its charter powers has passed several ordinances relating to the streets, highways and public places of the city and county. Ordinance No. 15, for instance, which relates to the breaking up, digging up, disturbance, undermining and digging under the public highways, streets, thoroughfares, alleys, sidewalks and other public places in the city and county, furnishes every reasonable protection to the municipality concerning the matter it covers, and in my opinion is valid and enforceable, and if enforced will have the effect of eliminating many objections now heard concerning the promiscuous and unauthorized tearing up of the public highways."

"Another ordinance, No. 34, passed by the board of supervisors in March of last year, and which relates to the scattering, throwing, dropping, depositing and placing of rubbish, debris and other materials on highways, streets, roads, alleys, lanes, sidewalks, sea-beaches and public places, if enforced will do much to obviate the objections so frequently heard of delinquencies in such matters."

The city charter gives the board of supervisors the power to "ordain, make and enforce" laws and regulations. The board has the power to put an end to the abuses complained of, and that power is sustained in the courts. The city's legal department, it is shown conclusively by the foregoing, believes that the ordinances against digging up the streets or jamming the sidewalks with building material, can be enforced.

There is plenty of law already. If the supervisors believe the law is being violated, why do they not direct the city attorney's department and the police to get busy, make some arrests if necessary, and see if the courts will not put an end to the abuses laid at the doors of contractors by city officials?

OPEN DOOR FOR JAPANESE IN CANADA

While California is worrying the United States government with regard to its treaty relations with Japan, British Columbia has all at once been made powerless to embarrass the British government in the same way. Whether at the request of Downing Street or not is not revealed, but the Canadian government has taken action that will prevent any legislation by the Pacific province in the line of Japanese restriction. Both the so-called "gentlemen's agreement," whereby Japan undertook to restrict the number of emigrants to the Dominion to a few hundred a year, and the freedom of the provinces to regulate the Japanese as they desired,

have been abolished by an act of parliament, introduced by Premier Borden and passed by the party majority. An amendment to the bill was moved by the Liberals only to be voted down, to insure the right of the Dominion to deal as it pleased with the subject of Japanese immigration, and the right of the provinces to regulate by law the Asiatics who may reside within their borders.

Under the Lemieux act of the former government, these rights were established under the concession of freedom to Canada in treaty matters affecting itself granted by the imperial government. In other words, the Anglo-Japanese treaty was inoperative with regard to Canada, with respect to some of its provisions, at least. That is still the law of the land, but Premier Borden, in introducing his bill relating to the new treaty, tabled correspondence between himself and the Japanese consul-general, in which Mr. Borden specifically declared that the Canadian government would not discriminate against Japanese immigration. The Japanese consul-general, in his letter, declares that the Japanese government is willing to accept the treaty subject to the condition guaranteed by Premier Borden's letter. "Therefore," as an Ottawa dispatch to the Vancouver Sun says, "Canadian liberty to restrict Japanese immigration is swept away under this Borden arrangement." One section of the treaty also provides that Japanese, in relation to pursuit of their industries, callings, professions and educational studies, shall be on the same footing as the subjects of "the most favored nations."

It is impossible to forecast the results that may be expected to flow from this open-door policy of the Dominion government. Most undoubtedly it will bring many thousands of Japanese into the Pacific and northwest provinces, with effects upon the industrial situation which are not hard to imagine. Whether the Canadian Pacific Railway has a finger in the pie is an interesting question, for its steamships to the Orient must come in for an immense increase of traffic from the policy. The Conservative party, now in power, initiated the construction of that great transcontinental line and has ever been the particular friend of its interests. Regarded as politics, the policy is certainly a daring one. British Columbia is of one mind with the California idea regarding Asiatic restriction. At last election the Liberal party was utterly wiped out of existence in the provincial legislature, just following the sending of a solid Conservative delegation to the Dominion parliament. With the Borden policy to support, the party will have a contract on its hands to sustain itself in the province.

While the details of the plan to establish a preparatory department at the College of Hawaii are still to some extent unsettled, the general idea is a very excellent one and ought to receive the indorsement of the legislature. The idea is, in fact, one of the big constructive features in education suggested to the legislature and the educators of the territory. Senator Penhallow, of the education committee of the upper house, Representative Cooke of the similar committee of the lower house and President Gilmore of the college are well-qualified to see that a competent plan is put through.

Democratic Committeeman Johnny Wilson declares in Washington that Attorney Watson is out of it in the race for governorship. Inasmuch as President Wilson and Secretary Lane sent for Watson just about the time Johnny gave utterance to his opinion, it would seem that even the national committeeman from Hawaii was not entirely "on the inside."

Governor Frear's appointment list is growing, even though the senate insists on cutting territorial salaries.

Wonder if employee's compensation will compensate the man who has his official scalp lifted?

The preferential primary bill now before the legislature should be passed.

Free sugar is a long way distant. There's no need to begun unloading sugar stocks, either.

The way of the tariff-slasher is hard.

MILLER'S BOAT LUKA IS NOW ATTACHED

U. S. Marshal E. R. Hendry this morning served papers of attachment upon the schooner-yacht, *Luka*, the vessel employed by Father Rougier to make a trip to Fanning and Washington islands. The papers were served upon the complaint of Frank von erick Miller.

Bruckner, a watchman who claims that there is a balance of \$112 still due him as wages for his services upon the *Luka*, Bruckner is said to be without a cent and George Davis, as his attorney, has declared that suit will be commenced immediately unless the money is forthcoming. The *Luka* was chartered from Capt. Fred-

Father Rougier is now in Honolulu, having recently returned from San Francisco for the purpose of contesting a suit for damages brought by Captain Miller for the sum of \$53,500. Miller claims that this amount is due him for his services as Rougier's agent in negotiating for the sale of Washington and Fanning islands.

LETTERS ON TIMELY TOPICS

[The Star-Bulletin invites free and frank discussion in this column on all legitimate subjects of current interest. Communications are constantly received to which no signature is attached. This paper will treat as confidential signatures to letters if the writers so desire, but cannot give space to anonymous communications.]

CONCRETE INFORMATION

Editor Honolulu Star-Bulletin, Sir:—If you should happen to know of anybody contemplating any concrete work kindly inform them that they can get cement for the same from the storehouse under the Kaimuki reservoir, providing there is any left there after certain people in that vicinity get through helping themselves to it.

The door to the old underground storehouse has been hanging on one hinge for many moons, and there was at one time quite a quantity of cement stored there, but of late people have been seen to go there, in the broad light of day, and carry this cement away in wheelbarrow loads.

This cement belongs to the territory, to the people. It is possible that the purloiners think that they have a right to it. Right or no right, the government supply of cement at the Kaimuki reservoir is fast disappearing, and not in government wheelbarrows, either.

RESIDENT.

MAIL DELIVERY IN KAIMUKI

Honolulu 23rd April, 1913. Editor Honolulu Star-Bulletin, Sir:—A little while ago there was more or less said in the newspapers in regard to the mail delivery at Manoa valley; also a public address by the postmaster.

Can you give me any news about the delivery of letters, &c., at Kaimuki? Myself and several others have paid for and erected mail boxes and complied with all the conditions asked for, and yet there is no delivery in sight, as far as we know. Are these mail boxes erected as monuments to the business sagacity of the person who sold them, to be paid for on delivery (not of the mail, but of the boxes), or are they just put up for ornament?

KAIMUKI-ITE.

TERRITORIAL INSURANCE IS FEATURE OF COMPENSATION BILL

Latest Plan Introduced by Senator Wirtz Marks Radical Step in Operation

A new employees' compensation bill, based on principles different from the one which has been roundly discussed in the senate, came before the senate of the upper house late yesterday afternoon with a Democratic stamp on it.

A lull in the work of the day gave Senator Wirtz, chairman of the special compensation committee, the opportunity he had been waiting for a number of days. It had been freely rumored about the senate that when the opportunity came Senator Wirtz would spring a surprise by offering a new compensation bill, to take the place of the one which has been the center of many fights, and had reached him amended out of shape, and generally unsatisfactory to him.

Under this bill an industrial insurance commission is called for, composed of three men, with the prescribed duty of hearing and determining all cases of accidents, where an employee has been injured in his work. And in addition to this the commission is to compile statistics on the risks of different hazardous employments, and gather much other data to fit it for its work.

One of the features of the bill is the "accident fund," which is derived

from three sources, the territory, the employer and employee. Of this fund the employer pays sixty per cent, the employee thirty per cent a month, and the territory the remaining ten per cent.

It was estimated yesterday that the cost to the territory of such a fund would be \$25,000.

The bill covers more than 38 pages and sets out the industrial insurance plan thoroughly. An act in many ways similar is in force in eastern states, and is said to have met with very favorable results.

Yesterday afternoon the measure was read throughout, and the solons expressed themselves as pleased with the substitute measure, which was allowed to pass second reading, and was ordered to be printed.

Late this afternoon it will be taken up for the second time, and if opposition has not sprung up over night, it will pass its final reading and be sent to the house.

Because the session is in its last days, it will not be possible to have the measure discussed at a public meeting, Senator Wirtz states. However, that many of its provisions were similar to the bill which has been under fire, the chief change being creation of the commission and the "accident fund." If it passes third reading this afternoon and reaches the house tomorrow, that body will have five days within which to present it to the governor for his signature.

"These two letters are self-explanatory and every statement made by me in my letter to the board of supervisors can be just as easily verified, except the age of Louise Mitchell, wherein I said her age was 12 years; in regard to this I can only say that I accepted in good faith the statement made by Miss Sterritt herself as part of her interview in the Star-Bulletin dated April 15, 1913, particularly to the age of the child.

"It seems very strange that a January account should still be in the hands of the territorial auditor as late as this date, practically three months after it was incurred."

J. T. WAYSON.

Honolulu, April 23, 1913. Mr. J. F. Eckardt, Supt. Queen's Hospital.

Dear Sir:—Will you kindly inform me if the account of \$12 against the name of Emily Kohukimoku, an inmate of the Girls' Industrial School, has been paid by either Miss Sterritt, matron of the school, or by territorial warrant; also, was not this account paid by the city and county in their January bill which had been approved by me. Very truly,

J. T. WAYSON, M. D., City and County Physician.

Honolulu, April 23, 1913. J. T. Wayson, M. D., City and County Physician, Honolulu.

Dear Sir:—In answer to your letter of even date, I respectfully reply that the account of \$12 against the patient, Emily Kahukimoku, was paid in the January account of the C. & C. bill and that the same has not been refunded by either Miss Sterritt or by territorial warrant. Yours truly,

JOHANNES F. ECKARDT, Superintendent.

Owing to the unusual number of heavy storms this winter, it is estimated that the damage to deep-sea vessels alone since the beginning of 1913 is \$7,000,000.

For Sale

RESIDENCE LOT COLLEGE HILLS, 18x150—Bargain.

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MAY NOT ASK EXTRA SESSION

The question of an extra session of the legislature now seems to depend largely upon the speed with which the senate handles the numerous measures before it. As far as the house of representatives is concerned the necessity for additional time probably can be obviated. At least such is the opinion today of Speaker Holstein.

Several of the more important measures will be disposed of before the end of the present week. Some of these, still in committee, are being handled with thoroughness and rapidity, the lower house facilitating such action by meeting an hour earlier in the morning on adjourning at noon, giving the committees the entire afternoon and evening to deliberate on the various subjects.

The general appropriation bill, which went into the house from the senate just before adjournment yesterday, may be reported out of the

finance committee tomorrow or Friday. The committee sat for three or four hours last night and may give double the amount of time to the items of that bill today and tonight.

The Oahu delegation, before whom a large number of important measures has been placed, cleared its decks of all save one, the equal suffrage bill, this morning. The delegation will hold a public meeting in the representative hall at 7:30 o'clock tomorrow evening, and a report on this subject may be handed in by the delegation Friday or Saturday.

During its three hour sessions the last two days the house has transacted an enormous amount of business, and disposed of it with dispatch. That it can easily finish up the remaining business in the next six working days, Speaker Holstein is convinced.

It is rumored that Frederick Courtland Penfield is to be appointed ambassador to Japan and George W. Guthrie of Pittsburg ambassador to China.

The small Mexican federal force under Ojeda defending Naco, Sonora, repulsed assaults by the rebels with a loss of seven killed and forty wounded.

Have You Made Your Will?

Such an important duty as this shouldn't be put off from day to day—you should ALWAYS have a will drawn up, and put safely away. It makes YOUR mind easier now, while it protects your family in the event of your unexpected death—and death is always unexpected. We make no charge for drawing will in proper legal form.

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